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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,590	10/11/2001	Dean Bernard Jacobs	BEAS-01077US2	8686
23910 FLIESLER ME	7590 02/02/2007 EYER LLP	EXAMINER		
650 CALIFOR		OSMAN, RAMY M		
14TH FLOOR SAN FRANCIS	SCO, CA 94108	ART UNIT	PAPER NUMBER	
	, , , , , , , , , , , , , , , , , , , ,		2157	
		•	MAIL DATE	DELIVERY MODE
			02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
09/975,590	JACOBS ET AL.		
Examiner	Art Unit	_	
Ramy M. Osman	2157		

		7 66					
	Ramy M. Osman	2157					
The MAILING DATE of this communication appe	ears on the cover sheet with the c	orrespondence add	ress				
THE REPLY FILED <u>09 January 2007</u> FAILS TO PLACE THIS A	APPLICATION IN CONDITION FOR	R ALLOWANCE.					
1.  The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliantime periods:	wing replies: (1) an amendment, aff otice of Appeal (with appeal fee) in c	idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)				
a) $\boxtimes$ The period for reply expires $\underline{3}$ months from the mailing date	e of the final rejection.						
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire!	later than SIX MONTHS from the mailing	g date of the final rejecti	on.				
TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).						
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	dension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The approprinally set in the final Offi	iate extension fee ce action; or (2) as				
<ol> <li>The Notice of Appeal was filed on A brief in complifing the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed AMENDMENTS</li> </ol>	ension thereof (37 CFR 41.37(e)), to	avoid dismissal of th					
3. ☐ The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	will not be entered b	ecause				
(a) They raise new issues that would require further co			coadoc				
(b) They raise the issue of new matter (see NOTE below	·	, ,					
(c) They are not deemed to place the application in be appeal; and/or	tter form for appeal by materially re	ducing or simplifying	the issues for				
(d) They present additional claims without canceling a		ected claims.					
NOTE: (See 37 CFR 1.116 and 41.33(a)).							
4. 🔲 The amendments are not in compliance with 37 CFR 1.1		empliant Amendment	(PTOL-324).				
5. Applicant's reply has overcome the following rejection(s	· ——						
<ol> <li>Newly proposed or amended claim(s) would be a non-allowable claim(s).</li> </ol>	·	-	_				
7.  For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed:		II be entered and an o	explanation of				
Claim(s) objected to:							
Claim(s) rejected: <u>1-41</u> .							
Claim(s) withdrawn from consideration:							
<u>AFFIDAVIT OR OTHER EVIDENCE</u> 8.	ut hafara ar an tha data of filing a N	ation of Annual will no	at he entered				
because applicant failed to provide a showing of good ar was not earlier presented. See 37 CFR 1.116(e).							
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe ry and was not earlier presented. S	al and/or appellant fa see 37 CFR 41.33(d)(	ils to provide a 1).				
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	on of the status of the claims after e	ntry is below or attac	ned.				
The request for reconsideration has been considered by See Continuation Sheet.	ut does NOT place the application i	n condition for allowa	nce because:				
12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08) Paper No(s).						
13. Other:	· · · · · · · · · · · · · · · · · · ·						

Continuation of 11. does NOT place the application in condition for allowance because:

1. Applicant provided a diagram "A" to show "how claims can make sense". However, applicants claim language is broad and unclear as mentioned in the Final Action dated 8/9/2006. Applicant has not resolved the claim language to overcome the 112 second paragraph rejection and to also overcome the broad interpretation of the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, there is no equivalence between the provided diagram "A" and any of the 7 figures of the instant application.

2. Regarding claims 1 and 5, Applicant argues that Van Ryzin does not teach "a delta be sent from the master server to the slave server if the data on the slave server does not correspond to the version number" because in Van Ryzin, entire files are apparently sent to a network computer rather than deltas.

In reply, the files that are sent by Van Ryzin reference contain deltas. Therefore the broad limitation is taught by Van Ryzin. (column 4 line 50 - column 5 line 15). Furthermore Applicants statement that "these differences are constructed at the users' computer" is irrelevant because the claims are silent to any feature of this sort.

3. Regarding claims 2-4,6-41, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

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